

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**MICHAEL MCCRAY, 05-R-2512,**

**Plaintiff,**

**07-CV-0179A(Sr)**

**v.**

**DONALD SELSKY, et al.,**

**Defendants.**

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**DECISION AND ORDER**

Pursuant to 28 U.S.C. § 636(c), the parties have consented to the assignment of this case to the undersigned to conduct all proceedings in this case, including the entry of final judgment. Dkt. #20.

By letter filed October 31, 2007, plaintiff advised the Court that he had been released from prison and asked the Court to reschedule the preliminary pretrial conference set for November 1, 2007 because he was moving on that date and because he wanted to obtain an attorney. Dkt. #22. Plaintiff told the Court that he would inform the Court of his new address following his move. Dkt. #22.

By text order filed November 1, 2007 and mailed to plaintiff at the address he provided in his previous letter, the Court granted plaintiff's request and directed plaintiff to provide the Court with his current address so that the preliminary pretrial conference could be rescheduled. Dkt. #23. Plaintiff failed to contact the Court as directed.

By Decision and Order filed January 28, 2008 the Court directed the plaintiff to show cause, in writing received by the undersigned at 416 U.S. Courthouse, Buffalo, New York no later than February 25, 2008, why this matter should not be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). Dkt. #25. The Court advised the plaintiff that his failure to comply with this Order would result in the dismissal of this action with prejudice. That Decision and Order was returned to the Court with the notation "Return to Sender – Attempted not Known."

As a result, it is hereby **ORDERED** that this action be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b). The Clerk of the Court is directed to take the necessary steps to close this case.

**SO ORDERED.**

DATED: Buffalo, New York  
February 27, 2008

s// H. Kenneth Schroeder, Jr.  
**H. KENNETH SCHROEDER, JR.**  
**United States Magistrate Judge**